

1 Phase 1 schools?

2 A Ah-huh.

3 Q So you went to 100 schools---

4 A And then back to 318 plus. That means that there  
5 were some schools where sometimes they were up and sometimes  
6 were down, so I didn't count them.

7 Q That can happen? Some schools go down and up?

8 A Yes.

9 Q There is nothing you can do about that?

10 A Well, if it is once in a while, it depends on maybe  
11 a thunderstorm or something like that. But if you have the  
12 same school 2 days of the week up and 3 days down, then next  
13 week 3 days up and 2 days down, don't count it because they  
14 are unreliable.

15 I don't want USAC or FCC to make an audit and  
16 consider that school. I would better not count it. If it  
17 doesn't make a point on my approach, I don't count it.

18 Q So then you went up from 100 schools, you went back  
19 up to 318 schools, which would be Phase 1 schools?

20 A Phase 1 schools.

21 Q So essentially you've got 218 more Phase 1 schools  
22 up, right?

23 A At the time of this report.

24 Q Right. Originally there were 760 Phase 1 schools  
25 connected?

1 A Yes.

2 Q Were you upset at all at the fact that only 318  
3 Phase 1 schools were up?

4 A Were up?

5 Q Were not connected.

6 A Connected?

7 Q Yes.

8 A Yes. At the time of this report, yes 318.

9 Q Did it bother you that not all of the Phase 1  
10 schools were connected?

11 A Of course I was. Not only Phase 1, but Phase 2.  
12 That was what was supposed to be when this Administration  
13 took over but it was not and I was pushing hard to have as  
14 much schools connected as I could because FCC was pushing  
15 hard. They were telling me "you want money to be liberated,  
16 okay, bring me more." And we brought more and they said "oh,  
17 you are doing fine, but bring me more."

18 And then we were going back and doubled the effort  
19 and then "hey, look what we have done" and they said "good,  
20 doing good. Come back next time and give me more." So this  
21 is like looking into the horizon and once you get to the  
22 horizon you discover "hey, somebody moved it."

23 I went to the hospital 3 times. Three times I was  
24 hospitalized because of this. I was working from 8:00 in the  
25 morning until midnight or DEPONENT:00 a.m. every single day.

1 I didn't have Saturdays, I didn't have Sundays, no holidays,  
2 no Christmas, no nothing. Even my first grandson was born,  
3 the one that has my name and in one year I saw him only 4  
4 times and he lives in Mayaguez. He doesn't live in China.  
5 That tells you, you know, I am a new grandparent and you know  
6 what that means. And I only have 4 times to see my grandson?  
7 In a year? We were pushing like hell there, believe me.

8 Q I understand.

9 A We were pushing like hell.

10 Q Now, PRTC was supposed to have the Phase 1 schools  
11 connected, right?

12 A Yes, Sir.

13 Q Did the Department of Education do anything to PRTC  
14 either as punishment or by any other reason because of this  
15 failure to have all the schools connected? In other words,  
16 because they only had 318 as of the day of that report?

17 A I made the same request to both. When we were  
18 asking for the recovering plan, I had that meeting with both  
19 at PRTC and DRC and I made the same request to both of them.  
20 That we were in a hurry, that I needed to produce evidence  
21 and not word of what is going on, that I need the schools  
22 connected and you know, all things and that I was going to  
23 push harder.

24 In the time that both of the suppliers were  
25 working for the project, the message was the same for both of

1       them. Once DRC was out of the project, then all the  
2       instructions I gave were given only to PRTC that was the only  
3       contractor.

4           Q     But the fact that the contractors did not have all  
5       the schools connected was not why their contracts were  
6       canceled?

7           A     Say again?

8           Q     The fact that all the schools were not connected is  
9       not the reason for the cancellation of DRC's contract?

10          A     No. The reason is that I have to select one of  
11       them because 2 of them were taking me nowhere. I had pushed,  
12       I had fought, I had yelled, I did everything I did to make  
13       the thing work and it didn't work.

14                So I have to go and put all my bet in just one of  
15       the horses and then I saw all the information I had. I am  
16       having a big problem with electricity and there is nothing I  
17       can do about it because it was a huge amount of money, so I  
18       had to decide well, who has a better chance to recover and  
19       that I can show a success story to the stakeholders? Bingo,  
20       wired.

21          Q     We talked about at that last deposition, I just  
22       don't recall every specific detail and I want to ask you just  
23       one question. Did you tell me that you made the  
24       recommendation that DRC's contract should be canceled?

25          A     No. I made the recommendation on that the project

1 that has more probabilities and if I had to choose one, I  
2 would chose one that was the wired. No matter if it is DRC,  
3 if it is PRTC. I need the project working and as you see,  
4 sometimes you have awarded a bid to one supplier but when  
5 it's going to be implemented, it's another supplier.

6 So for me, as far as I had the wired one with the  
7 better possibilities where I can defend with FCC and USAC to  
8 get the money to pay and terminate the project, that is why I  
9 recommended it.

10 It happened that at that time that project was  
11 worked out by DRC. But in terms of selecting DRC over PRT,  
12 for me it makes no difference.

13 Q Well essentially, if I understand correctly, you  
14 are going to put your efforts on the Phase 1 schools and the  
15 Phase 2 schools were going to essentially---

16 A To wait.

17 Q To a halt---

18 A Wait until I can prove that at least one half is a  
19 viable project and I have the faith of FCC and USAC telling  
20 me to go ahead. Remember that I need money from Phase 4 to  
21 set up the backbones and finish part of the job and also,  
22 there was...

23 Another part of the story is that the hardware,  
24 that was bought in the year 1 or 2 was becoming very rapidly  
25 obsolete. For example, the switches that DRC was using in

1 their part of the project, the only place where I can find  
2 technicians and that was about this time last year, was in  
3 Russia.

4 Q In Russia?

5 A Yes, because not even the people that constructed  
6 the switches were giving us support so I asked Adonay, see  
7 where we can get somebody that understands what is going on  
8 with that and someone said "we have some people who are in  
9 Russia." Forget it.

10 I was running short because in the case that I  
11 recover the project and I just have Lázaro up and running in  
12 the 21st Century, what the hell am I going to do with Lázaro  
13 in this time? It's like having 8 tracks sound systems in all  
14 the schools. Okay, now what do I do with 8 track systems?  
15 Nobody can use it. There is no support for it.

16 You have to bring oxygen to someone who needs it  
17 but before the guy is dead and I have a sword pending on my  
18 neck and I have to give answers because everybody is, like  
19 you are doing now, everybody is asking me and I have to  
20 produce the answers.

21 I am not God, I am not magician and I am not going  
22 to tell a lie. You see? Because the good part of this is  
23 that now I am out of the ship. But I am still Aníbal Cruz  
24 and I want people to say "he is Aníbal Cruz." It doesn't  
25 matter where his position is. He might be the CEO of the

1 Department of Education or an Independent Consultant or just  
2 a retired guy running a bicycle in the city but he is Anibal  
3 Cruz. I am not going to lie for anybody.

4 MR. CAMILO SALAS: I appreciate that. Let's take a  
5 break.

6 OFF THE RECORD

7 After the recess,

8 BY MR. CAMILO SALAS:

9 Q Again on page 4 the slide at the bottom. It says  
10 new school setups in 400 schools. New cabinets with larger  
11 size properly located. UPS and proper electrical outlets, 12  
12 additional drops in each school library. Explain to me what  
13 was that all about.

14 A That was the setup that Telefonica told us that  
15 they needed, to be operational.

16 Q They put that in 400 schools?

17 A Ah-huh.

18 Q And they were all not connected?

19 A They were not operational and some of them, they  
20 moved it. Others, they made electricity available because  
21 they moved the switch or they moved the box. They did  
22 whatever to match the setup that they designed and said "this  
23 is what needs to be done to be operational," what should have  
24 been done from the beginning.

25 Q So PRTC had a new contract to provide those

1 services there?

2 A No.

3 Q It was under the same contract they had?

4 A The thing is, they should have a singing bird.

5 Q A what?

6 A A singing bird, and the bird was not singing. So I  
7 told them, make the bird sing or you are not getting paid  
8 because I was asking people from FCC and USAC to come and see  
9 me. Don't believe what I say, I might be lying to you. Come  
10 and see me, have your people and with a telephone line down  
11 in Puerto Rico and over here tell them, from among these  
12 calls go and check if I am saying the truth or not.

13 So I wanted to be sure and this way, I committed  
14 PRTC in terms of you are going to respond for that. You were  
15 paid, you charged for services and the services were not  
16 going on so you do something because I am asking the auditors  
17 to come.

18 Q You were telling that they were charging for  
19 services?

20 A No. They were charging for services of connected  
21 schools. You want to charge? You want to be paid for the  
22 services? Okay, make the bird sing. That is all I am asking  
23 you. All the project is about that the schools should be  
24 connected and some kid in the school should go to that PC,  
25 get into the Internet and that way you comply with the



1 project. Make the bird sing.

2 Q So they provided new cabinets?

3 A In the cases they needed, they changed the  
4 cabinets.

5 Q Larger cabinets?

6 A Ah-huh.

7 Q Why did they need larger cabinets?

8 A I don't know.

9 Q Because they were putting more equipment in the  
10 cabinets, right?

11 A I don't think so, except for a UPS because the fan  
12 goes in the side. It's not inside. The fan is a hole in  
13 somewhere in the cabinet and then you have the fan.

14 Q Who made the proper electrical outlets? Who did  
15 that?

16 A They did. In the cases when there were schools of  
17 Public Buildings, well the people from Public Buildings and  
18 some that were already recovered in the electrical awards,  
19 remember I told you?

20 Q Ah-huh.

21 A Some improvements were made at that time.

22 Q Did PRTC do some electrical work themselves?

23 A I have to go to the specifics of the schools. I  
24 don't know, but if they had to relocate the thing because  
25 they should connect and test and show me that it works. If

1 there is no electricity available, there is no way that they  
2 can show me that the thing works.

3 If my bird doesn't sing, why have a dead bird that  
4 doesn't sing? All what FCC was asking me is "come on, give  
5 me the bird's call. I want to hear it."

6 The release of the money depends on it and at the  
7 time I left, we have more than 600 schools and still they  
8 were holding the money. So that means that they were asking  
9 for it. And it is fair. If I were putting \$160,000,000.00  
10 in the project, I better see something going on and working.

11 To be true, if it were the opposite way and I was  
12 auditing them, I would be pushing on FCC and USAC "okay, show  
13 me your schools are connected." So I was in a hurry. I need  
14 connections as they defined it. A school connected is a  
15 school where a kid can reach to the Internet through  
16 whichever way was established for the project.

17 Q Now, let me just ask you a question that I want to  
18 have an answer to. Were electrical connections made in the  
19 schools with E-Rate funds?

20 A No.

21 Q No?

22 A As far as I know, no.

23 Q Because that is not allowed?

24 A That is not allowed.

25 Q If the PRTC did some electrical connections and

1 provided electrical outlets, that would have been paid with  
2 other funds?

3 A All I need is, they were paid to have schools  
4 connected and operational and whatever contents are in the  
5 black box and they have to make it operational.

6 Q But, what we talked about earlier this morning I  
7 think for a good hour or so, was about the fact that \$10  
8 million dollars worth of electrical connections had to be  
9 made in some of the schools and you were trying to get it  
10 then and you were trying to get it done by, what's it's name  
11 again?

12 A OMEP.

13 Q OMEP and the other one?

14 A But it all depends in the specific cases. I can't  
15 cage the whole bunch of schools in the same module. Because  
16 some schools were attended by OMEP, some schools were  
17 attended by Public Buildings and some were granted to do the  
18 improvements they had to do.

19 Q But the fact of the matter is that PRTC was not  
20 doing electrical connections with its own funds just because  
21 they are nice guys.

22 A Well, it all depends on how you define electrical  
23 connections.

24 Q Okay, explain that then.

25 A Electrical connections can mean a lot of things.

1 Q Like what?

2 A The simplest thing to say, I use a line cord from  
3 the nearest outlet.

4 Q And extension cord?

5 A An extension cord. That is very simple and the  
6 more complex is I say the whole system for the whole school.

7 Q All right.

8 A I think that you can go to an extent of what you  
9 can do that is allowed.

10 Q But what does E-Rate funds allow, and what does it  
11 not allow?

12 A It is not allowed for example to go and buy a new  
13 transformer and put it in the school and bringing lines from  
14 the transformer to the schools and make new wiring to the  
15 whole school to get the thing. But in order that you are  
16 selling me a connective service and the connective service  
17 needs power and you agree that you are going to deliver it to  
18 me working and tested, you should provide for that.

19 As far as I have the schools with power and I am  
20 not telling of having 25 or 100 computers connected but the  
21 system that is only 4 servers and whichever equipment is in  
22 the cabinet working, you should provide for that. If not,  
23 how are you going to prove to me that it is working?

24 I was so upset by then that I made sure that in  
25 every single bid after I was in the position, I called for

1        what I called a "total solution." And that is that if I buy  
2        from you technology equipment, you are going to deliver it to  
3        me functioning. Meaning that you are going to do whatever  
4        you have to do. In the bids after that and it is written,  
5        that whatever you have to do to deliver it operational and  
6        you will be responsible for the whole thing for the next 3  
7        years.

8            Q        All right. But if you request that, and the  
9        contractor is going to be paid with E-Rate funds and we know  
10       that if you cannot use E-Rate funds for electrical  
11       connections, would the contractor not be breaking the law by  
12       agreeing to a total solution project like you call it? And  
13       doing it with E-Rate funds?

14           A        I don't buy PCs with E-Rate funds, I don't buy laptops  
15       with E-Rate funds.

16           Q        But you are asking that the contractor connected  
17       the servers and connected everything with E-Rate funds?

18           A        No, Sir.

19           Q        The point is from which funds are the electrical  
20       connections to be paid with?

21           A        Which electrical connections?

22           Q        The ones that you hypothetically been describing to  
23       me. You said that you want somebody to come in, connect  
24       everything and do all the connections that are needed so that  
25       a child can sit---

1 A For example... Oh, in the E-Rate program?

2 Q That's what we are talking about here.

3 A No, because I was talking about the labs.

4 Q Well let's talk about the E-Rate program.

5 A That's why maybe I was confused. I was talking  
6 about the later bids we made with the labs and the PCs all  
7 the other things.

8 Q All right. I am talking about---

9 A Let's go back to E-Rate.

10 Q E-Rate.

11 A In E-Rate those contracts were awarded before I was  
12 there and they were already done.

13 Q And you would agree with---

14 A But the thing is that I think that that was bad  
15 from the beginning. I don't know if this is relevant at this  
16 time or not. If I were in the beginning of the project, I  
17 would not have designed it the way it was designed.

18 But that is not my responsibility. Somebody did it  
19 and somebody has to answer for that. That is not my  
20 responsibility. I think that if the contract says that you  
21 are going to deliver a system in a working condition and  
22 operational, you should provide that the system is in a  
23 working condition and operational. And you have to prove it  
24 to me that it is working.

25 The thing is that everybody trusted everybody in

1 saying "yes, it is working." Okay, take it for granted. Put  
2 it on. We have no electricity. So why did you put it over  
3 there? Somebody told me to put it over there. Aren't you  
4 the expert? Yes, but the Principal told me.

5 Q So who---

6 A I just cannot understand that.

7 Q In that situation, who should pay for to move the  
8 electrical connections?

9 A It all depends on how you define electrical  
10 connections. If you are going to move the whole school's  
11 electrical connections, it should be the Department of  
12 Education. But because you decide to connect, to deliver the  
13 black box and the servers in this room that is in the other  
14 side where the library is, where there are the connections  
15 and you did it and you bet your expertise that this is the  
16 place to do it, if you did it wrong, relocate it.

17 It was your fault. You said you were an expert.  
18 That is why you were hired and you were paid the amount of  
19 money you were paid. If not, then I can call all the  
20 janitors in the Department of Education and tell them okay,  
21 put it wherever you want to put it. But they were requested  
22 to do so because they know what they are doing.

23 Q So the solution would be to relocate the equipment?

24 A If it was misplaced, it is your responsibility.  
25 Make it work because if it is not connected, there is no way

1       that I will sign an invoice of services on something that is  
2       not working, under no circumstances. If I have to quit, I  
3       quit, but I will not do it. If it is not working, it is not  
4       working.

5           Q       Would you be satisfied with an extension cord from  
6       the next room?

7           A       No, Sir.

8           Q       No?

9           A       No, Sir.

10          Q       What is it that you would require to be satisfied?

11          A       A fixed connection.

12          Q       A fixed connection in the wall?

13          A       That complies, because if by any chance a student  
14       gets electrocuted with that thing or whatever goes on with  
15       that thing or the school burns, then the next thing that is  
16       going to burn is myself. So I want to make sure that  
17       everything is doing all right and the way it should be  
18       because I know what's going on.

19          Q       So the fixed connection that you are talking about,  
20       that would be a connection attached to the wall with all the  
21       proper precautions and everything done by an electrician,  
22       right?

23          A       One of the things we found out is that I don't know  
24       if you have any permission or we would have later on to see  
25       the details, but I remember something that brings my



1 attention very close.

2           Somebody of the "experts" hired by the suppliers  
3 had this power extension line and he cut the ground post,  
4 okay? And after that, he made cascading with the 4 UPSs.  
5 From the first UPS he connected a server, a full server and  
6 the next UPS. From the second UPS, a server set and a third  
7 UPS. All of this in a Christmas tree extension line.

8           Come on. Just to think that I say to McDonald "hey  
9 McDonald, check this school." I am going to bet the next  
10 \$90 million bucks for year number 4 that is all right, and he  
11 comes and sees something like that..

12           Q     Do you know why he cut the ground post?

13           A     I don't even know who cut the ground post.

14           Q     Do you know why it was cut?

15           A     No, I don't know.

16           Q     Do you know that in some of these old schools that  
17 were built long ago had not been updated? Many of them don't  
18 have a ground? A third wire ground?

19           A     A hell of an expert I have doing that. Isn't he?

20           Q     What's that?

21           A     A hell of an expert I have doing that.

22           Q     Okay, so---

23           A     If you claim you are an expert and you do that,  
24 Jesus Christ, I think that they are going to burn me. They  
25 should throw this guy from...

1           Just think that one of the kids in this school and  
2           there is no precaution and he gets electrocuted or whatever  
3           you call it. Just because somebody that was in a hurry and  
4           needed the school to have this delivered even though it  
5           doesn't work, made that connection and leave over there? And  
6           it was there because the technician brought me the line and  
7           the UPS to see it.

8           Q     What would be the proper thing to do with this  
9           special situation? Just to leave the equipment unplugged?

10          A     If you are an expert and you are hired for that and  
11          you are paid the amount of money that they were being paid  
12          for doing such a job and you tell me you did it wrong? I  
13          think I would do the same thing I am telling you I am doing.

14                If you tell me now go and lie and do something that  
15          is not in accordance with what I think, I would say no,  
16          forget it. I won't connect that school. I wouldn't even  
17          deliver that equipment in that school and leave it there to  
18          see if somebody has time. As it happened, because there were  
19          equipments that the schools had not connected, under the  
20          stairs. You find all of those kinds of things.

21                But if I am an expert it is my responsibility to  
22          say no. Hell no. I am not going to deliver it that way.  
23          Either you do it right or I am going to say something about  
24          that. But I am not going to throw or connect in the wrong  
25          way because somebody is going to be asking about that.

1 Q Okay, let me refer you back to top paragraph, item  
2 1A.

3 A Ah-huh.

4 Q Why don't you read that?

5 A Ah-huh. It makes me laugh. Sorry, but it makes me  
6 laugh. How come as serious as this project is, I'm going to  
7 go to this school and then somebody tells me that they are  
8 going put it into that room, which I see that it doesn't have  
9 the facilities, I am going to connect it with an extension,  
10 show you that it worked and then put it off and keep it?  
11 It's like going to the playground and say "hey kids this is a  
12 ball, do you see it?" "And it bounces, doesn't it?" Okay,  
13 until next year and then take the air off and save it.

14 This is not a computer count of just to show the  
15 people in Puerto Rico "hey listen, I have so many computers  
16 or so many servers." Neither one of them works. They are in  
17 the boxes. We disconnected them. It doesn't work." This is  
18 not the purpose of this project and you don't have to be a  
19 wise man to know that somebody is going to ask for that.

20 How come is it that I am going to be going to this  
21 school, do it like it says over here and then present an  
22 invoice saying that I am complying with everything at the  
23 project? The project doesn't say that it is going to be like  
24 this. And if it is the fault of the Department of Education,  
25 blame it on the Department of Education. Blame it on whoever

1 or Public Buildings or whoever is in charge of that, if  
2 somebody lied and said that they have the facilities and they  
3 didn't have them, let him respond for that. But don't go on  
4 in the same ship doing the same kind of bad work and just  
5 leaving the equipment over there and keep it disconnected and  
6 until next time. And it happened.

7 When I got there, there was equipment for 2 years,  
8 3 years in the boxes or out of the boxes or one part over  
9 here and another part over there, just until somebody came,  
10 tried it, comply with the paperwork and say "it went on good.  
11 It was unbelievable. This is not the spirit of the project.

12 We are trying to fool the people of the United  
13 States, who puts the money through our telephone bills to  
14 make this problem going on and this is dishonorable.

15 Q When you say "we", who is "we"?

16 A We. We the people that pay the telephone bills.  
17 They take a certain amount of every bill to put the funds for  
18 E-Rate.

19 Q No. When you are saying "we are trying to fool the  
20 people in the United States, who is "we"?

21 A Oh, we. The people that act like this kind of  
22 saying that certain job was done when it was not done.

23 MR. A.J. BENNAZAR: And may the record reflect he  
24 is referring to a letter written by DRC Corporation to Mr.  
25 Adonay Ramirez.

1 BY MR. CAMILO K. SALAS:

2 A (DEPONENT) I am the expert. I should keep the  
3 answers and if I have no answers, I should be honest enough  
4 to say "people, I don't have the answer and I can't do that."  
5 "Don't ask me to do what is not supposed to do."

6 I told you, if the Department of Education has to  
7 provide for the electricity and they didn't, put the ball on  
8 the Department of Education's court.

9 Q Who would put the ball now?

10 A In this case the suppliers.

11 Q You would suggest that DRC would go where---

12 A If I were DRC, PRTC, Centennial or whichever, and I  
13 have a contract with the Department of Education that says  
14 that I am going to leave the equipment in operating  
15 conditions and I am going to try that the thing works and  
16 somebody tells me no, you are not going to leave like that,  
17 you are going to put it into that room even though it is in  
18 the other side of the school away from the T-1 connection,  
19 they have no security or they have no power supply available?  
20 I would say no, forget it and if I have to return back to San  
21 Juan with the equipment, I return back.

22 Because I can sustain that position because that is  
23 the best position I can do based on the evidence I had and  
24 the data I have. What I can't support is that I did the  
25 whole mess even though I am supposed to be the expert who

1 knows that it should not be done. That's the way I think.

2 Q Now, when you first received that letter Exhibit 4,  
3 which you indicated earlier that you did receive---

4 A Yes.

5 Q Did you tell anybody what you just here told me?

6 A Yes.

7 Q Who did you tell that to?

8 A I told my people I need this over here. I remember  
9 I talked with Ricardo. We had an argument with Ricardo  
10 because he brought me this same way of thinking that "well,  
11 the Principal told me." Well, the Principal is not the  
12 expert. That was one of the very few meetings I was, at  
13 least part of the meeting and I remember I had this argument  
14 with Ricardo. I said Ricardo, you people are supposed to be  
15 the experts. You should not act according to somebody that  
16 doesn't know anything about systems. That is why we hired  
17 you.

18 Q And you told that to whom, Ricardo?

19 A Ricardo Reyes.

20 Q And who was he with?

21 A DRC. He is the one who signs this letter.

22 Q Okay, you told him that?

23 A I told him. But whatever was done it was done 2  
24 years before I was there, as a matter of fact, 2 years and a  
25 half. So why did suddenly I just have this bundle of

1 dynamite in my hands almost exploding and I wasn't even  
2 there? Like I told you before, I didn't pass the red light,  
3 I didn't hit the old woman and I wasn't the one who escaped,  
4 but I am the one driving the car when the police stopped it.  
5 I have to give answers.

6 I tried to do the best to the best of my abilities.  
7 I am not God. I don't have all the answers, at least the  
8 correct answers but I tried to do the best I could in a way  
9 that I can stand over here and give my reasons to you, to  
10 FCC, to USAC, to the Congress, to the Department of Justice,  
11 who ever asked me, this is the best I did with the best of my  
12 resources and the evidence I have about that.

13 Q All right, let's get a couple of things straight  
14 here now. One, you wouldn't want an extension cord going  
15 from one room to another, right?

16 A No, Sir.

17 Q If the choice were between leaving the equipment  
18 connected with the use of an extension cord or leaving them  
19 not connected, you would prefer that they be not connected,  
20 right?

21 A I would prefer not to leave them.

22 Q I'm sorry?

23 A Not delivered. Not unconnected.

24 Q No. If the choice were to leave the equipment  
25 unconnected or connected with an extension cord, which of the

1 two would you preferred?

2 A It's like a question of you wanted to be killed.  
3 You want me to kill you with a knife or with a gun? I want  
4 to live. I don't want to be killed and I don't want anything  
5 delivered if it doesn't comply. In my terms, I can't sign an  
6 invoice you present me under those conditions because I am  
7 going be asked by somebody else "why did you sign that if you  
8 know you should not sign it?"

9 Q All this equipment that was connected and that you  
10 spoke about extensively just a few minutes ago, that is the  
11 equipment that was delivered to the schools before your  
12 Administration?

13 A Yes, Sir.

14 Q Do you have any knowledge concerning what  
15 instructions were given to the vendors about whether they  
16 should leave the equipment unconnected in the schools---?

17 A No, Sir.

18 Q Or taken them home? So to speak.

19 A No, Sir. Until this day, I didn't have the honor  
20 to know Mr. Kivio Peguero who was the person who was in that  
21 position before I was and I don't have until this moment, any  
22 official information on what instruction was given.

23 Q Now, let's talk about that instance that you said  
24 that you saw an extension cord where the ground had been cut  
25 off, right?



1 A Yes.

2 Q You are an Electrical Engineer, right?

3 A No, Sir.

4 Q That was Mr. Santana, excuse me. You do know that  
5 in order to ground a connection you have to have 3 wires?

6 A Yes, Sir.

7 Q And basically, what that third ground post is cut  
8 off it is because the plug on wall does not have the  
9 receptacle for the ground, right?

10 A No, Sir.

11 Q And to properly fix that, what you have to do is  
12 you have to rewire the entire school?

13 A Or produce a prong that goes to a ground.

14 Q So that would be some kind of a modification to the  
15 existing electrical system?

16 A At least to that outlet it has to be grounded.

17 Q Right. And that would require putting a ground  
18 outside and running a third wire or a new---

19 A That's out of my expertise. I can say yes or no,  
20 but I am... I know the principles, but how it is actually  
21 done, I don't know.

22 Q It would require the use of an electrician, do you  
23 suppose?

24 A Yes, Sir.

25 Q In order to do the wiring work of what we have just

1 described and if that work was done, can we pay for that work  
2 with E-Rate funds? And be legal, that is?

3 A As far as I know, no.

4 Q All right. So in that particular instance, in  
5 order to do that work for whoever connected this the way you  
6 described it didn't do it, did the Department of Education  
7 make available additional funds to the contractors to do the  
8 electrical work that was required to avoid doing what was  
9 done?

10 A Under my office? No.

11 Q You did not provide any funds?

12 A No, Sir.

13 Q Is that right?

14 A Under my office, no.

15 Q Now, you spoke about the cascading effect?

16 A Ah-huh.

17 Q That is connecting one UPS and then connecting the  
18 next UPS to that UPS, etceteras, down the line?

19 A Yes, Sir.

20 Q The proper way to do it is that you connect each  
21 UPS to an independent outlet on the wall, right?

22 A Yes, Sir.

23 Q And in order to do that if you had 4 UPSs you would  
24 have to have 4 outlets one next to each other?

25 A Ah-huh.

1 Q Yes?

2 A Well, I am not an electrician and I am not an  
3 expert. But at least it sounded like an outlet with 4 plugs.

4 Q With 4 little plugs, okay.

5 A Yes.

6 Q Are you aware of the fact that in that school that  
7 you are talking about, there was only one single outlet  
8 there?

9 A If that is the case, I won't deliver it.

10 Q You would take the equipment back home?

11 A Ah-huh.

12 Q But if the person who installed that equipment  
13 wanted to properly plug the UPS, then we would have to call  
14 the electrician again, right?

15 A Something has to be done about that.

16 Q Yes?

17 A Something has to be done about that, but it is out  
18 of my... It is out of my responsibilities. It is out of my  
19 expertise and in that case, I just do what I did. Call OMEP  
20 and call the people from Public Buildings and tell them  
21 "listen people, I am having this problem." Call them.

22 Q But they didn't have to, right? Yes?

23 A Well they went some places and to others they  
24 didn't come.

25 Q They didn't come, all right. Now, would you agree

1 that to do that work we could not use E-Rate funds and do it  
2 legally?

3 A Okay, in that case, if that is the case okay,  
4 return the equipment and give us back the money because you  
5 didn't deliver it the way it should be.

6 Q You also would agree, would you not, that the  
7 vendors should not be doing work for free that might be  
8 considered as kickbacks to the Department of Education?

9 A Yes, I heard something about that.

10 Q Yes?

11 A Yes, Sir.

12 Q In other words, you would not want DRC for example,  
13 to be doing electrical connections for free for the  
14 Department of Education that may be construed to be  
15 kickbacks?

16 A No, Sir.

17 Q You don't want that?

18 A No.

19 Q And you wouldn't want DRC to be giving electrical  
20 extensions to the Department of Education that may be  
21 considered to be kickbacks?

22 A I wouldn't want---

23 Q Go ahead and answer first my question yes or no,  
24 and then you can explain it.

25 A Okay, I answer no.

1 Q What?

2 A I will say no.

3 Q Okay.

4 A Because I don't want to give anything to the  
5 Department of Education that is not according to the law.

6 Q All right. And one more item you would not want  
7 DRC to be giving are PCs to the Department of Education that  
8 might be construed as being kickbacks?

9 A We talked about that with DRC and Telefónica and we  
10 decided that it was against E-Rate and we said no, we were  
11 not going to be taking in any computers from you and that was  
12 informed to the Secretary.

13 Q And when were those discussions held with---

14 A That was discussed when we were talking about the  
15 recovery plan.

16 Q Prior to that, had the Department of Education  
17 requested PCs from DRC?

18 A No. The only thing I remember is I requested from  
19 DRC and PRTC show me that the thing works.

20 Q And to do that, they would have to put PCs in the  
21 schools, right?

22 A If---

23 Q Because you wanted a working station where the kids  
24 could go and sit down and connect and reach the Internet?

25 A Well, if the school does not have the computer

1 available to demonstrate that the thing works, they can use  
2 one of their computers to show that the thing works. But  
3 there were schools that do have computers and we were buying  
4 computers to put into the schools.

5 Q We have got to be fair, now. I think you are  
6 trying to be fair but you said what you wanted was a PC  
7 station where the children could come and sit down and reach  
8 the Internet.

9 A No. The thing is when you say "you wanted" meaning  
10 I wanted as a gift to the Department of Education---

11 Q No, no. I am not saying as a gift. What you saw  
12 is a total solution---

13 A Total solution in the bids we made after,  
14 concerning the acquisition of equipment.

15 Q What you were expecting then from the vendors was a  
16 working PC station where a student could sit down and access  
17 the Internet?

18 A To demonstrate that the thing works. Yes.

19 Q If there were no computers, how were we going to  
20 demonstrate that to you?

21 A Well, demonstrate it and keep your computers. It's  
22 yours and not mine. I would bring in my computers.

23 Q And who would demonstrate it to you?

24 A The vendor.

25 Q The vendor would demonstrate it to whom?